

**To:** Fells, Sandy[Fells.Sandy@epa.gov]; Dygowski, Laurel[Dygowski.Laurel@epa.gov]  
**From:** Daly, Carl  
**Sent:** Tue 8/27/2013 3:41:20 PM  
**Subject:** Re: WY Haze Regulations -- Sen. Harkin staffer request for add'l info today

Anytime Thursday should work for me at this point. I'm out of the office right now on my way to UT, but I have periodic BB service.

Thanks  
Carl Daly 303-312-6416

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**From:** Fells, Sandy  
**Sent:** Tuesday, August 27, 2013 9:21:01 AM  
**To:** Daly, Carl; Dygowski, Laurel  
**Subject:** RE: WY Haze Regulations -- Sen. Harkin staffer request for add'l info today

Again, many thanks, Carl! I know you are crazy busy, and I appreciate your getting back to me!

have heard back from Sen. Harkin's guy (Eldon Boes) that any time this Thursday, Aug. 29, will work for a conference call for him except 11:30 Denver time. I haven't received permission to open your calendar, so am not able to view your open times for that day. : o) Would you like to suggest a time?

Also, Martha Keating (OAR?) has asked to know when the call is happening so that she can listen in, if she's available. That okay with you also?

Thanks, again!

Sandy Fells

Regional Congressional Liaison

EPA, Region 8, Denver

303-312-6604

**From:** Daly, Carl  
**Sent:** Monday, August 26, 2013 6:44 PM  
**To:** Fells, Sandy; Dygowski, Laurel

**Subject:** Re: WY Haze Regulations -- Sen. Harkin staffer request for add'l info today

Sandy

The questions being asked are related to adverse comments we expect to receive so providing any sort of specific response before we respond to comments and issue our final action would be pre-decisional and inappropriate.

We can point out factual information contained in our proposed rule and explain in general how we evaluate regional haze costs and visibility.

Thanks

Carl Daly 303-312-6416

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**From:** Fells, Sandy

**Sent:** Monday, August 26, 2013 2:05:17 PM

**To:** Daly, Carl; Dygowski, Laurel

**Subject:** RE: WY Haze Regulations -- Sen. Harkin staffer request for add'l info today

Thanks, Carl. Sorry for your trouble, but shall I provide the reason why we can only speak in general terms at this point is because the public comment period is still open (until end of today)?

Sandy Fells

Regional Congressional Liaison

EPA, Region 8, Denver

303-312-6604

**From:** Daly, Carl

**Sent:** Monday, August 26, 2013 1:44 PM

**To:** Fells, Sandy; Dygowski, Laurel

**Subject:** RE: WY Haze Regulations -- Sen. Harkin staffer request for add'l info today

Sandy

The additional questions are best discussed on a phone call. We can only answer these in general terms at this point and refer folks to read the proposed rule.

Carl Daly

303-312-6416

**From:** Fells, Sandy  
**Sent:** Monday, August 26, 2013 1:02 PM  
**To:** Daly, Carl; Dygowski, Laurel  
**Subject:** FW: WY Haze Regulations -- Sen. Harkin staffer request for add'l info today  
**Importance:** High

Hi, Carl and Laurel -- Are these additional questions anything we can reply to via email today?

Many thanks!

Sandy Fells

Regional Congressional Liaison

EPA, Region 8, Denver

303-312-6604

**From:** Boes, Eldon (Harkin) [[mailto:Eldon\\_Boes@harkin.senate.gov](mailto:Eldon_Boes@harkin.senate.gov)]  
**Sent:** Monday, August 26, 2013 11:52 AM  
**To:** Fells, Sandy  
**Cc:** Bailey, KevinJ; Keating, Martha; Porto, Anna (Harkin)  
**Subject:** RE: WY Haze Regulations

Sandy, comments on key points in the MRES Fact Sheet would be very useful, as well, especially

comments on these specific points:

- the compliance costs being “almost 10 times” the numbers under the earlier SIP
- why EPA initially considered requiring SCR too costly but now considers it appropriate,
- the proposed rule not bringing about a “perceptible improvement in visibility.”

Might someone comment on those via email today?

I’m also interested in understanding why EPA re-reviewed the WY SIP, and changed its position. Was it because of information received from environmental groups during the earlier comment period? Did those comments identify shortcomings in EPA’s earlier review of WY’s analysis?

Thanks,

Eldon

**From:** Fells, Sandy [<mailto:Fells.Sandy@epa.gov>]  
**Sent:** Monday, August 26, 2013 1:25 PM  
**To:** Boes, Eldon (Harkin)  
**Cc:** Bailey, KevinJ; Keating, Martha; Porto, Anna (Harkin)  
**Subject:** FW: WY Haze Regulations

Hi, Eldon -- Below are EPA’s responses to the first and last questions in your earlier message regarding the WY regional haze plan. Our Region 8 Air Program Director reports that the other two questions you pose will need more discussion; and unfortunately, he will be out of the office the next few days and is not available for a conference call until Thursday. Our apologies, but would a call on Thursday work for you?

Please let me know.

Thank you,

Sandy

Sandy Fells

Regional Congressional Liaison

EPA, Region 8, Denver

303-312-6604

Here are the answers to questions 1 and 4:

1. We do not expect Wyoming to submit another SIP to replace the proposed BART and reasonable progress FIP.

4. The State's SIP required sources (except for the PacifiCorp Jim Bridger units) to install controls within five years of EPA's final action. We are requiring the same. The State required the installation of controls on Jim Bridger Unit 1 by 2022, Unit 2 by 2021, Unit 3 by 2015, and Unit 4 by 2016. We proposed to approve the State's dates for installation on the Jim Bridger units.

**From:** Boes, Eldon (Harkin) [[mailto:Eldon\\_Boes@harkin.senate.gov](mailto:Eldon_Boes@harkin.senate.gov)]

**Sent:** Monday, August 26, 2013 10:29 AM

**To:** Fells, Sandy; Bailey, KevinJ; Porto, Anna (Harkin); Keating, Martha

**Subject:** RE: WY Haze Regulations

Okay, thanks.

**From:** Fells, Sandy [<mailto:Fells.Sandy@epa.gov>]

**Sent:** Monday, August 26, 2013 12:23 PM

**To:** Boes, Eldon (Harkin); Bailey, KevinJ; Porto, Anna (Harkin); Keating, Martha

**Subject:** RE: WY Haze Regulations

Hello, again, Eldon -- I am working with our EPA Region 8 Air Program folks to arrange a conference call today to address your questions. We are tentatively looking at 3:00 p.m. (5:00 p.m. Eastern). Will

confirm with a call-in number asap.

Thank you!

Sandy

Sandy Fells

Regional Congressional Liaison

EPA, Region 8, Denver

303-312-6604

**From:** Boes, Eldon (Harkin) [[mailto:Eldon\\_Boes@harkin.senate.gov](mailto:Eldon_Boes@harkin.senate.gov)]

**Sent:** Monday, August 26, 2013 8:26 AM

**To:** Fells, Sandy; Bailey, KevinJ; Porto, Anna (Harkin); Keating, Martha

**Subject:** RE: Haze Regulations

Some of the specific questions I'd like to discuss, specifically as they relate to the Laramie Station units 1, 2, and 3, are:

1. Is WY expected to submit another SIP as the FR notice allows them to do?
2. How different are the costs for compliance under the proposed FIP and the WY SIP that is being disapproved?
3. How different are the regional haze impacts under those 2 alternatives?
4. How different might the schedules be? When would the FIP require completion of retrofits, and what had been proposed in the SIP?

And, any other major points that you think I should know.

Thanks,

*Eldon Boes*

*Senior Professional Staff*

*Senator Tom Harkin*

*202-224-3254*

*703-217-1850 cell*

-----Original Message-----

From: Fells, Sandy [<mailto:Fells.Sandy@epa.gov>]

Sent: Friday, August 23, 2013 4:34 PM

To: Boes, Eldon (Harkin); Bailey, KevinJ; Porto, Anna (Harkin); Keating, Martha

Subject: RE: Haze Regulations

Hello, again, Eldon -- As you now know, the webpage you were looking on was EPA Headquarters' site, instead of EPA Region 8's, so you were only seeing national rulemakings. Here is the page where the link resides. It's the third bullet:

<http://www2.epa.gov/region8/air-program>

Or, here is the direct link to the notice:

<http://www2.epa.gov/sites/production/files/documents/wyomingregionalhazereproposaljune2013.pdf>

Please let us know if there is anything else we can provide for now.

Thanks,

Sandy

Sandy Fells

Regional Congressional Liaison

EPA, Region 8, Denver

303-312-6604

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From: Boes, Eldon (Harkin) [Eldon\_Boes@harkin.senate.gov]

Sent: Friday, August 23, 2013 1:45 PM

To: Bailey, KevinJ; Porto, Anna (Harkin); Fells, Sandy; Keating, Martha

Subject: Re: Haze Regulations

Thanks, everyone.

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From Eldon's Blackberry

From: Bailey, KevinJ [mailto:Bailey.KevinJ@epa.gov]

Sent: Friday, August 23, 2013 02:51 PM Eastern Standard Time

To: Boes, Eldon (Harkin); Porto, Anna (Harkin); Fells, Sandy <Fells.Sandy@epa.gov>; Keating, Martha <keating.martha@epa.gov>

Subject: Re: Haze Regulations

Eldon-

Here you go. Thanks, Martha!



<http://www2.epa.gov/region8/air-program>

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From: Boes, Eldon (Harkin) <[Eldon\\_Boes@harkin.senate.gov](mailto:Eldon_Boes@harkin.senate.gov)>

Sent: Friday, August 23, 2013 1:12:39 PM

To: Porto, Anna (Harkin); Bailey, KevinJ; Fells, Sandy; Keating, Martha

Subject: RE: Haze Regulations

Kevin and Sandy,

I'm having trouble finding the proposed rule. The documents cited for May 2013 on this website <http://www.epa.gov/airquality/visibility/actions.html>

don't seem to include any explicit statements about partially or fully disapproving of WY's SIP. Is it covered implicitly by inclusion of states not listed, or something?

Thanks,

Eldon Boes

Senior Professional Staff

Senator Tom Harkin

202-224-3254

703-217-1850 cell

From: Boes, Eldon (Harkin)

Sent: Friday, August 23, 2013 12:52 PM

To: Porto, Anna (Harkin); 'Bailey.KevinJ@epa.gov'; 'Fells.Sandy@epa.gov'

Subject: FW: Haze Regulations

Sandy and Kevin,

I'm attaching a Fact Sheet prepared by Missouri River Energy Services on this issue. I'd like to discuss this and the information you provided below, please. Might we talk early Monday?

Thank you,

Eldon Boes

Senior Professional Staff

Senator Tom Harkin

202-224-3254

703-217-1850 cell

From: Porto, Anna (Harkin)

Sent: Friday, August 23, 2013 12:27 PM

To: Boes, Eldon (Harkin)

Subject: FW: Haze Regulations

Hi Eldon –

Please see EPA's response re: haze regulations below. Apparently he had sent me this information earlier, I'm not sure why it never came through.

Anna

From: Bailey, KevinJ [<mailto:Bailey.KevinJ@epa.gov>]

Sent: Friday, August 23, 2013 12:22 PM

To: Porto, Anna (Harkin)

Subject: Fw: Haze Regulations

Here you go!

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From: Bailey, KevinJ

Sent: Monday, August 05, 2013 11:25:58 AM

To: Porto, Anna (Harkin)

Cc: Fells, Sandy

Subject: RE: Haze Regulations

Hello Anna-

Please see the response to your inquiry below from EPA's Region 8 office. If you have any follow up questions, please feel free to contact Sandy Fells (cc'd on the email) who is a congressional liaison in EPA Region 8. Thanks.

Wyoming Regional Haze State Implementation Plan and Federal Implementation Plan for Regional Haze: EPA's Proposed Action on Basin Electric's Laramie River Power Plant

History:

\* On May 15, 2012, EPA proposed partial approval and partial disapproval of the Wyoming regional haze State Implementation Plan (SIP) and proposed a Federal Implementation Plan (FIP) for the SIP's deficiencies. EPA was to take final action in late 2012.

· In our May 15, 2012 proposed rulemaking, we proposed to disapprove the State's SIP as it pertained to Basin Electric's Laramie River Station Units 1-3. The State determined that the best available retrofit technology (BART) for these units was low-NO<sub>x</sub> burners (LNBS) with overfire air (OFA). In our May 15, 2012, proposed rulemaking, we proposed a BART FIP for Laramie River Units 1-3 that required the installation of LNBS with OFA and selective non-catalytic reduction (SNCR). The costs we relied on in this action were costs submitted by the State in their regional haze plan.

\* However, based on information submitted during the public comment period, EPA conducted its own cost and visibility improvement analysis and determined that a re-proposal was warranted. On June 10, 2013, we re-proposed action on Wyoming's regional haze SIP. We once again proposed to partially approve and partially disapprove the State's SIP and proposed a FIP for the SIPs deficiencies.

\* In our June 10, 2013 proposed action, we proposed a BART FIP for Laramie River Units 1-3 that would require the installation of LNBs with OFA and selective catalytic reduction (SCR). SCR is more expensive than SNCR but achieves greater emission reductions.

Rationale

· As stated in our proposed rulemaking, we found that the State's costs and visibility analysis submitted in their SIP did not meet the regional haze rule requirements.

· Based on our analysis of the new cost and visibility modeling information, we determined that more stringent controls were warranted on Laramie River Units 1-3. (Detailed cost and modeling information can be found in our proposed rulemaking notice and in the docket). In our re-proposal, we found that "When considering the cost effectiveness and visibility improvement of new LNBs plus OFA and SCR, it is within the range of what EPA has found reasonable for BART in other SIP and FIP actions."

Status

\* We held public hearings on June 24, 2013, and July 17, 2013, in Cheyenne Wyoming, and July 26, 2013, in Casper, Wyoming.

· Public comments are due on or before August 26, 2013.

· EPA is under a consent decree to take final action on our re-proposal by November 21, 2013

Kevin J. Bailey

Congressional Liaison/Air Team

Office of Congressional Affairs

U.S. Environmental Protection Agency

(o) 202.564.2998

(f) 202.501.0144

From: Porto, Anna (Harkin) [[mailto:Anna\\_Porto@Harkin.senate.gov](mailto:Anna_Porto@Harkin.senate.gov)]

Sent: Thursday, August 01, 2013 11:11 AM

To: Bailey, KevinJ

Subject: RE: Haze Regulations

Hi Kevin,

This has to do with regulations to address regional haze issues, specifically requirements focused on the Laramie River Station coal power plant in Wheatland WY. We've been told that the Wyoming DEQ had proposed "installation of low NOx burners with overfire air." We were also told that EPA initially accepted this proposal, but shortly thereafter changed its position and now is proposing to require installation of SCR systems.

We'd like to understand this issue from EPA's perspective, including the history, the current status, and the rationale. We think that could be accomplished with an email outlining the information, perhaps with a short follow-up call.

Might this be possible, please?

Thanks!

Anna



From: Bailey, KevinJ [<mailto:Bailey.KevinJ@epa.gov>]

Sent: Wednesday, July 31, 2013 4:10 PM

To: Porto, Anna (Harkin)

Subject: Haze Regulations

Hello Anna-

Pat asked me to touch base with you regarding the questions you have about the Laramie River Station in WY. Could you please email me the questions you have so I can work on getting you some assistance? Thanks.

Kevin J. Bailey

Congressional Liaison/Air Team

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